

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 U.S.C. 1.137(B)**

Docket No.  
KLR 1016.0073



Applicant: Leonard Hayden

Group Art Unit: 2829

Serial No.: 09/997,501

Examiner: Ernest F. Karlsen

Filed: November 19, 2001

Title: WAFER PROBE

**RECEIVED**

February 17, 2004

**FEB 2 5 2004**

**OFFICE OF PETITIONS**

Mail Stop Petitions  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to timely file a response to the outstanding office action within the statutory period of three months from the mailing date of the Office Action dated February 19, 2003. The abandonment date of this application is July 20, 2003 (i.e. the day after the expiration date set for reply).

**APPLICANT HEREBY PETITIONS  
FOR REVIVAL OF THIS APPLICATION**

**1. Petition fee**

- ☒ Small entity fee of \$ 665 (37 C.F.R. 1017(m))
- ☐ Small entity statement enclosed herewith.
- ☐ Small entity statement previously filed.
- ☐ Other than small entity fee \$ \_\_\_\_\_; (37 C.F.R. 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office Action in the form of an Amendment:

- ☐ has been filed previously on \_\_\_\_\_, and/or
- ☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_:

- ☐ has been paid previously on.
- ☐ is enclosed herewith.

PETITION TO REVIVE

1

02/25/2004 AMONDAF1 00000037 09997501

01 FC:2453

665.00 OP

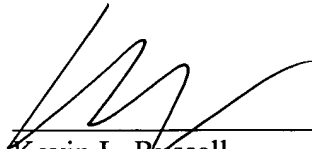
3. **Terminal disclaimer with a disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995 no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 C.F.R. 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. **Statement:**

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

Dated: February 17, 2004

  
\_\_\_\_\_  
Kevin L. Russell  
Reg. No. 38,292  
Chernoff Vilhauer McClung & Stenzel  
1600 ODS Tower  
601 SW Second Avenue  
Portland, Oregon 97204  
Tel. No. (503) 227-5631

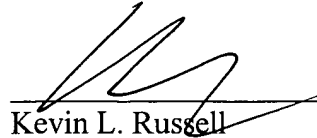
- Enclosures:
- ☒ Reply;
  - ☒ Fee Payment: Petition to Revive \$665 enclosed in check;
  - ☒ Fee Payment: Extension for Three Months \$475;
  - ☒ Petition for Extension ;
  - ☒ Amendment in response to February 19, 2003 OA;
  - ☒ Acknowledgment Postcard.



**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail postage prepaid in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 23313 on February 17, 2004.

Dated: February 17, 2004

  
\_\_\_\_\_  
Kevin L. Russell

**CERTIFICATE OF UNDER 37 CFR §§ 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence was deposited with the United States Postal Service in an envelope addressed to:  
The Director of Patents, P.O. Box 1450, Alexandria, VA 23313.

☒ with sufficient postage as first class mail

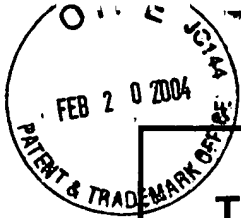
☐ as "Express Mail Post Office to Addressee" - mailing label no.

Date: February 17, 2004



---

Kevin L. Russell



DAE \$2200

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/997,501
	<b>Filing Date</b>	November 19, 2001
	<b>First Named Inventor</b>	Leonard Hayden
	<b>Group Art Unit</b>	2829
	<b>Examiner Name</b>	Ernest F. Kar...
<b>Total Number of Pages in this Submission</b>		<b>Attorney Docket Number</b> 1016.0073

RECEIVED

FEB 25 2004

OFFICE OF PETITIONS

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee transmittal Fee attached form	<input type="checkbox"/> Assignment Papers (for an application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Amendment <input type="checkbox"/> After Final/ Response	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Licensing Related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosures (identify below)
<input type="checkbox"/> Certified copy of Priority Documents	<input type="checkbox"/> Terminal Disclaimer	Petition to Revive; and an Acknowledgment Postcard.
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Request for Refund	
Remarks: Authorization is acknowledged to debit the Deposit Account for the Required Fee for the Extension of Time. A check is enclosed for the Petition to Revive.		

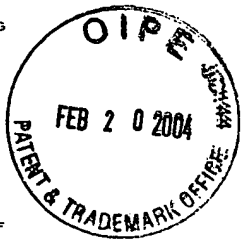
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT	
<b>Firm or Individual Name</b>	Kevin L. Russell of Chernoff Vilhauer Mc Clung & Stenzel, LLP
<b>Signature</b>	
<b>Date</b>	February 17, 2004

CERTIFICATE OF MAILING			
I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to: MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.			
<input checked="" type="checkbox"/> with sufficient postage as first class mail			
<input type="checkbox"/> as "Express Mail Post Office to Addressee" - mailing label no. _____			
<b>Type or print name</b>	Kevin L. Russell		
<b>Signature</b>		<b>Date</b>	February 17, 2004

LAW OFFICES  
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP

\* JACOB E. VILHAUER, JR.  
\* DENNIS E. STENZEL  
\* CHARLES D. MCCLUNG  
\* DONALD B. HASLETT  
\* J. PETER STAPLES  
\* WILLIAM O. GENY  
\* NANCY J. MORIARTY  
\* JULIANNE R. DAVIS  
\* KEVIN L. RUSSELL

DANIEL P. CHERNOFF  
(1935-1995)



INTELLECTUAL PROPERTY LAW  
INCLUDING PATENT, TRADEMARK,  
COPYRIGHT AND UNFAIR  
COMPETITION MATTERS

1600 ODS TOWER  
601 S.W. SECOND AVENUE  
PORTLAND, OREGON 97204-3157  
TELEPHONE: (503) 227-5631  
FAX: (503) 228-4373

\* TIM A. LONG  
\* KURT ROHLFS  
\* BRENNAN K. LEGAARD  
\* SCOTT C. KRIEGER  
\* SUSAN D. PITCHFORD

\* REGISTERED PATENT ATTORNEY  
†† MEMBER UTAH AND D.C. BARS

DAVID S. FINE  
SENIOR LAW CLERK

February 17, 2004 **RECEIVED**

Our File 1016.0073

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FEB 25 2004**  
**OFFICE OF PETITIONS**


Re: United States Patent Application Serial No. 09/997,501  
For: WAFER PROBE  
Inventor: Leonard Hayden  
Filed: November 19, 2001

Dear Sir:

Enclosed for filing is a Petition for Revival of a Patent Application abandoned unintentionally under 37 U.S.C. 1.137 (b). Additionally, we enclose an Amendment in Response to the Office Action dated February 19, 2003 which includes a Petition for Extension of Time along with a debit note on the Fee Sheet 2004 for \$475 in order to Respond to the Outstanding Office Action. Also enclosed is our check payable to the Commissioner for Patents and Trademarks for the Petition to Revive in the current amount of \$665 for a small entity and an acknowledgment postcard.

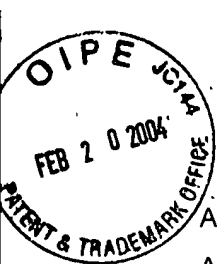
Please charge Deposit Account No. 03-1550 for the Petition for Extension of Time along with any additional fees which may be required or credit any over payments to that account. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,



Kevin L. Russell

KLR:djs  
Enclosures



#8

Appl. No. : 09/997,501  
Applicant : Leonard Hayden  
Filed : November 19, 2001  
Title : WAFER PROBE  
TC/A.U. : 2829  
Examiner : Ernest F. Karlsen  
Docket No. : 1016.0073  
4149

**RECEIVED**  
**FEB 25 2004**  
**OFFICE OF PETITIONS**

February 17, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

#### **AMENDMENT**

Sir:

In response to the Office action of February 19, 2003, please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims beginning on page 3.

**Amendments to the Drawings** are not part of this paper.

**Remarks/Arguments** begin on page 6 of this paper.

An **Appendix** including amended drawing figures is not attached to this paper.

**Amendments to the Specification:**

**In The Specification:**

Please replace the abstract with the following:

A probe includes a substantially rigid support. The probe also includes a plurality of contact fingers supported by and extending from the support, wherein the contact fingers are arranged as a unity assembly such that the plurality of contact fingers are maintained in a predetermined alignment when attached to the support. In many cases the contact fingers are maintained by a tab. Typically prior to probing the tab is removed from the contact fingers.



**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1(amended currently). A probe comprising:

- (a) a substantially rigid support; and
- (b) a plurality of contact fingers supported by and extending from said support, wherein said contact fingers are arranged as a unity assembly, wherein such that said plurality of contact fingers are maintained in a predetermined alignment when attached to said support by a tab proximate the ends of said plurality of contact fingers.

2(original). The probe of claim 1 wherein a plurality of said contact fingers extend in a radially outward direction from said support.

3(original). The probe of claim 2 wherein the arrangement of said contact fingers match the geometry of a contacting pad on a device under test.

4(original). The probe of claim 1 wherein said support includes a resistor-capacitor network interconnected to said contact fingers.

5(original). The probe of claim 1 wherein said support is a planar circuit board.

6(original). The probe of claim 1 wherein said unitary assembly includes a tab proximate the ends of said plurality of contact fingers that maintains said contact fingers in said predetermined alignment.

7(original). The probe of claim 6 wherein said tab is removed prior to probing with said contact fingers.

8(original). The probe of claim 1 wherein said rigid support includes a respective trace for each of said contact fingers.

9(original). The probe of claim 8 wherein said respective traces are electrically interconnected to a connector suitable to interconnect to test equipment.

10(original). The probe of claim 7 wherein said removal of said tab leaves the ends of each of said plurality of contact fingers in a predetermined position.

11(original). The probe of claim 1 wherein said plurality of contact fingers is greater than three.

12(withdrawn). A method of assembling a probe comprising:

- (a) providing a substantially rigid support;
- (b) providing a unitary assembly including a plurality of contact fingers, such that said plurality of contact fingers are maintained in a predetermined alignment; and
- (c) attaching said plurality of contact fingers to said support.

13(withdrawn). The method of claim 12 wherein a plurality of said contact fingers extend in a radially outward direction from said support.

14(withdrawn). The method of claim 13 wherein the arrangement of said contact fingers match the geometry of a contacting pad on a device under test.

15(withdrawn). The method of claim 12 wherein said support includes a resistor-capacitor network interconnected to said contact fingers.

16(withdrawn). The method of claim 12 wherein said support is a planar circuit board.

17(withdrawn). The method of claim 12 wherein said unitary assembly includes a tab proximate the ends of said plurality of contact fingers that maintains said contact fingers in said predetermined alignment.

18(withdrawn). The method of claim 17 wherein said tab is removed prior to probing with said contact fingers.

19(withdrawn). The method of claim 12 wherein said rigid support includes a respective trace for each of said contact fingers.

20(withdrawn). The method of claim 19 wherein said respective traces are electrically interconnected to a connector suitable to interconnect to test equipment.

21(withdrawn). The method of claim 18 wherein said removal of said tab leaves the ends of each of said plurality of contact fingers in a predetermined position.

Application No. 09/997.501

Response to Amend. dated February 19, 2003

Today's date: February 17, 2004

22(withdrawn). The method of claim 12 wherein said plurality of contact fingers is greater than three.

### **REMARKS / ARGUMENTS**

The applicant affirms the election of claims 1-11, without traverse. Claims 12-22 are canceled, without prejudice.

The Examiner requested a more descriptive abstract. A more descriptive abstract is provided herewith, but is not intended to in any way to interpret or otherwise limit the scope of the claims.

The Examiner rejected claims 1-11, under 35 U.S.C. Section 112, first paragraph. The Examiner is unclear what element 26 of Figure 3 is.

Merely for purposes of illustration, by way of example, element 26 is a common carrying tab at the distal ends 18 of the contact fingers 16. The contact fingers 16 are attached to the circuit board 14 while the element 26 helps maintains the spacing of the contact fingers 16. Accordingly, the assembly will include the circuit board 14, the contact fingers 16 attached thereto, and the element 26 attached to the distal ends 18 of the contact fingers 16. After connection of the contact fingers 16 to the circuit board 14, the element 26 may be removed from the distal ends 18 of the contact fingers 16, resulting in the probe illustrated in FIGS. 1 and 2.

It is respectfully requested that, in light of the illustration, the rejection under 35 U.S.C. Section 112, first paragraph, be withdrawn.

The Examiner rejected claims 1-11, under 35 U.S.C. Section 112, second paragraph. The Examiner correctly notes that the finished product does not include a "tab". The Examiner requests clarification of whether the "tab" is being claimed or whether only the finished product is being claimed.

The applicant is claiming what the Examiner refers to as an intermediate structure, that where the contact fingers are arranged as a unity assembly wherein the plurality of contact fingers is maintained in a predetermined alignment when attached to the support.

The Examiner rejected claims 1-11 as being anticipated by any one of Harmon (U.S. Patent No. 3,445,770), Evans (U.S. Patent No. 3,849,728), Hasegawa (U.S. Patent No. 4,563,640), or Cherry (4,780,670).

Harmon discloses a probe board 10 for testing semiconductor wafers. Connected to the ends of the conductor strips are probes 90-113.

Claim 1 patentably distinguishes over Harmon by claiming a plurality of contact fingers supported by and extending from the support, the contact fingers are arranged as a unity assembly wherein the plurality of contact fingers are maintained in a predetermined alignment when attached to the support by a tab proximate the ends of the plurality of contact fingers.

Evans discloses a probe card for testing semiconductor wafers. An individual needle holder 15 may include a single respective break-away individual tab 19 to facilitate gripping of the needle by the fixture. The tab is broken off after the probe is mounted on a pad.

Claim 1 patentably distinguishes over Evans by claiming a plurality of contact fingers supported by and extending from the support, the contact fingers are arranged as a unity assembly wherein the plurality of contact fingers are maintained in a predetermined alignment when attached to the support by a tab proximate the ends of the plurality of contact fingers.

Hasegawa discloses a probe card for testing semiconductor wafers. The probe card includes a substrate (1) to which is affixed a base (4). The plurality of probes (2) is fixed to the base (4) by an adhesive layer (5). The Examiner suggests that element 5 is considered a tab. The tips (3) of the probes are arranged to form a square pattern corresponding to a square semiconductor.

Claim 1 patentably distinguishes over Hasegawa by claiming the plurality of contact fingers are maintained in a predetermined alignment when attached to the support by a tab proximate the ends of the plurality of contact fingers. In contrast, the applicant would note that Hasegawa uses an adhesive layer (5) that is not proximate the ends of the plurality of contact fingers.

Cherry discloses a probe card for testing semiconductor wafers. The Examiner suggests that element 72 of cherry shows active and passive circuit elements mounted on a probe card.

Application No. 09/997.501  
Response to Amend. dated February 19, 2003  
Today's date: February 17, 2004

Claim 1 patentably distinguishes over Cherry by claiming a plurality of contact fingers supported by and extending from the support, the contact fingers are arranged as a unity assembly wherein the plurality of contact fingers are maintained in a predetermined alignment when attached to the support by a tab proximate the ends of the plurality of contact fingers.

Claims 2-11 depend from claim 1, either directly or indirectly, and are patentable for the same reasons as claim 1.

The applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes that for any reason direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

Chernoff, Vilhauer, McClung & Stenzel, LLP  
1600 ODS Tower  
601 SW Second Avenue  
Portland, Oregon 97204

By:



Kevin L. Russell

Reg. No. 38,292

Telephone No. (503) 227-5631

Facsimile No. (503) 228-4373